



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 10070 of 2026
and Crl.M.P.No.7176 of 2026**

1. Vijaya
D/o.Arjunan,
No.78, Eswaran Street,
Near Fire Service Station,
Erode District.
Now residing at
No.2, 2nd Floor,
Raja Rangan Street,
Lotus Hospital Back Side,
Kollampalayam,
Erode District.
2. Parkavi
W/o.Saravanan,
No.6, New Street,
Periyar Nagar, Kuruvintham Post,
Bahour Taluk,
Puducherry - 607 402.

..Petitioner(s)

Vs

1. State Rep. by, The Inspector of Police,
Kattoor Police Station,
Coimbatore District.
Crime No.358 of 2024
2. Harivasan
S/o.Kanagaraj,
No.1/3, Velankanni Nagar,
Vinayagapuram,
Saravanampatty,
Coimbatore District.

..Respondent(s)



Criminal Original Petition is filed under Section 528 of BNSS to call for records relating to the C.C.No.3027 of 2025 on the file of the Learned Judicial Magistrate, Additional Mahila Court, Coimbatore, and quash the same and thus render justice.

For Petitioner(s): Mr.S.N.Arun Kumar

For Respondent(s): M/S.R. RAJASEKARAN GA (CRL. SIDE) For R1
M/s.K.M.Kalicharan-MS/2765/2019 for R2

ORDER

The petitioners / A3 & A4 in C.C.No.3027 of 2025 facing trial for the offences under Sections 4(2)(c) and 5(1)(d) of Immoral Traffic (Prevention) Act, 1956, had filed this quash petition.

2. The case against the petitioners is that on 10.10.2024 at about 02.30 p.m. when the defacto complainant was walking on the Gandhipuram Crosscut Road, A1 introduced himself and stated that he had women (A2, A3 and A4) for prostitution and invited him to a spa which was run by A5 and he can spend happy hours with them by spending Rs.2,000/- each and he can also have physical relationship. Hence, a case has been registered. After investigation, charge sheet has been filed listing witnesses L.W.1 to L.W.6.

3. The contention of the petitioners is that even going by the case of the prosecution it is seen that on 10.10.2024 at about 02.30 p.m. when the defacto



complainant was walking on the Gandhipuram Crosscut Road, A1 introduced himself and stated that he had women (A2, A3 and A4) for prostitution and canvassed him for prostitution. Even going by the statement of the witnesses it is seen that the petitioners are only a victim. He further submitted that in this case there are totally ten witnesses. Further, relying upon the Hon'ble Apex Court in the case of ***Budhadev Karmaskar vs. the State of West Bengal and others reported in 2022 Livelaw (SC) 525*** wherein the Hon'ble Apex Court had held that sex workers are entitled to equal protection of law. Criminal law must apply equally in all cases on the basis of age and consent. The Panel constituted by the Hon'ble Supreme Court recommended in respect of the third term of reference in the following terms:~

“Whenever any brothel is raided, sex workers should not be arrested or penalised or harassed or victimised and it is only the running of the brothel, which is unlawful.”

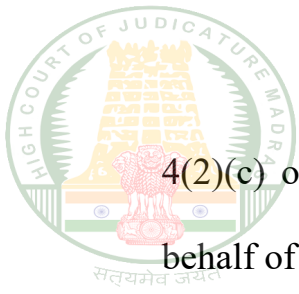
This principle has been reiterated by the Hon'ble Apex Court in the case of ***Prajwala Vs. Union of India and others reported in 2026 SCC OnLine SC 1053*** wherein it has approved its earlier judgment. Thus the petitioners are only a victim.

4. The learned Counsel for Govt. of Tamil Nadu appearing for R1 submitted that when the defacto complainant was walking on the Gandhipuram Crosscut Road, A1 introduced himself and stated that he had women for



prostitution and canvassed him for prostitution and he had referred the petitioners' name. Thereafter, the defacto complainant had gone to the spa which was run by A5 and saw the petitioners and they came in closeness with him. Thereafter, the defacto complainant had lodged a complaint before the police and the police had gone to the scene of occurrence and arrested A1 to A5 and seized the articles found in the scene of occurrence and filed the final report listing L.W.1 to L.W.6.

5. Considering the submissions made and upon perusal of materials, it is seen that in this case when the defacto complainant was walking on the Gandhipuram Crosscut Road, A1 introduced himself and stated that he had women for prostitution and invited him to have sexual relationship with the petitioners by paying Rs.2,000/-. When the defacto complainant went to the place of prostitution, he found the petitioners there and they tried to seduce the defacto complainant by showing their private parts and immediately, the defacto complainant left the said place, went to the 1st respondent police station and lodged a complaint and thereafter a case was registered in Crime No.358 of 2024. It is to be seen that at the time when the respondent police went to the scene of occurrence and arrested the accused, there was no seduction or soliciting of any person. It is the submission of defacto complainant that there was some prostitution but without any materials. In this case, the specific charge against the petitioners is under Section 4(2)(c) and 5(1)(d) of ITP Act. Section



4(2)(c) of ITP Act is against the person who is acting as a tout or pimp on behalf of a prostitute.

WEB COPY

6. In this case, there is no material to show that there was any touting or pimping by the petitioners. Thus, considering the submissions of witnesses and materials produced, it is seen that there is no case made out against the petitioners and utmost the petitioners are a victim and nothing more. Further, the Hon'ble Apex Court in *Budhadev Karmaskar's case* (cited supra) has held that whenever any brothel is raided, sex workers should not be arrested or penalised or harassed or victimised. In view of the same, this Court is inclined to allow this petition.

7. Accordingly, the Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.3027 of 2025 on the file of the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, is quashed as against the petitioners and the petitioners are discharged from all charges. Consequently, the connected miscellaneous petition is closed. No costs.

23-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

BKN



CRL OP No. 10070 of 2



M.NIRMAL KUMAR, J.

BKN

WEB COPY

To:

1. The Inspector of Police,
Kattoor Police Station,
Coimbatore District.
Crime No.358 of 2024

2. Judicial Magistrate, Additional Mahila Court, Coimbatore

3. Public Prosecutor, Madras High Court

CRL OP No. 10070 of 2026

23-06-2026